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closed positions, said hinge having a bonding area of at least two square inches and an aspect ratio of at least one;

said glass sheet having a surface area of at least 250 square inches;

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count*
said bonding of said hinge to said opaque coating on said mounting area being sufficiently strong to withstand a straight pull test of about 150 pounds at a rate of about 25 millimeters per minute, said straight pull test being performed after soaking said window assembly in water for at least 100 hours, said water being at a temperature of about 80°C ;

an adhesive between said opaque coating and said hinge bonding area, said adhesive bonding said hinge to said opaque coating such that there is no exposure of said hinge on said outer surface of said glass sheet whereby said hinge, when bonded to said hinge mounting area, is substantially hidden from view from said outer surface of said glass sheet by said opaque coating;

said window assembly being mounted such that when fitted within said generally vertical window opening of the vehicle body, said glass sheet is generally vertically mounted and is at least one of a side window, rear window, and lift gate window of the vehicle.

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-17- (amended)

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The hinged window assembly of claim 2 in combination with a vehicle,
wherein the vehicle is one of a van, a station wagon, a utility vehicle and a truck.

REMARKS

Claims 2-24 remain in the application, claims 2 and 17 have been amended herein. In addition, a Terminal Disclaimer and fee with respect to U.S. Patent No. 5,551,197 and U.S. Patent No. 5,704,173 is enclosed to overcome the double patenting rejections of

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claims 2-24. Reconsideration of claims 2-24 and allowance of this application is respectfully requested.

I. Submission of Terminal Disclaimer

Initially, it is noted that the Examiner has rejected claims 2-24 under the judicially created doctrine of double patenting over claims 1-71 of U.S. Patent No. 5,551,197, which is the patent which resulted from the grandparent of the present continuation application, and over claims 1-25 of U.S. Patent No. 5,704,173, which is the patent which resulted from the parent of the present continuation application. Applicants herewith submit a Terminal Disclaimer with respect to both of said prior related patents signed by an officer of the assignee of the present application which obviates those double patenting rejections. The required disclaimer fee of \$110 is also enclosed. Please charge any additional fee or credit any overpayment to Deposit Account No. 22-0190. In view of the submission of the Terminal Disclaimer with respect to U.S. Patent 5,551,197 and 5,704,173 and the required disclaimer fee, withdrawal of the double patenting rejections is respectfully requested.

II. The Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

In addition, the Examiner has rejected claims 2-24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In claim 2, line 1, the Examiner inquires whether Applicants are claiming a hinged window assembly or a hinged window assembly in combination with a vehicle. Applicants wish to clarify that claim 2 is directed to a hinged window assembly for use in a vehicle, not to the combination of such a window with the vehicle. Indeed, claim 17 has now been clarified to state the combination of the hinged window assembly of claim 2 with a vehicle, and wherein the vehicle is one of van, station wagon, a utility vehicle and a truck. Since it is the hinged window assembly itself that is

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being claimed in claim 2, it is respectfully submitted that it is not necessary to positively recite the vehicle in the preamble of claim 2 and, hence, no change has been made. However, the Examiner is directed to the amendments to claim 17 which clarify that the vehicle is clearly and positively recited in the amended claim 17.

In addition, the Examiner has inquired concerning the phraseology in lines 15-18 of claim 2. Those lines are directed to the strength of the bonding recited in claim 2. Specifically, the bonding of the hinge to the opaque coating on the mounting area is stated to be sufficiently strong to withstand a straight pull test of about 150 lbs. at a rate of about 25 mm per minute, the straight pull test being performed after soaking the window assembly in water for at 100 hours, the water being at a temperature of about 80°C. The strength of such bonding as set forth in lines 15-18 is fully supported by the specification and explained therein, especially at page 4, lines 1-5 and 16-22; page 10, lines 5-10; page 16, lines 9-16; page 21, lines 19-25; and page 22, lines 1-8. These portions of the specification make clear that, when constructed in accord with the present invention, the hinged window assembly has a bond strength which secures the hinge to the opaque coating on the mounting area in accord with the parameters defined in claim 2, lines 15-18. Therefore, it is respectfully submitted that, in view of these and other portions of the specification, the hinged window assembly of claim 2 is clearly and definitely defined by the indicated language which states the strength of the bond between the hinge and opaque coating in an assembly having the other elements set forth in claim 2, as amended.

Accordingly, in view of the support in the specification, and the clear and definite statement of the bond strength in terms of the parameters set forth in claim 2, it is respectfully submitted that the objection to lines 15-18 should be withdrawn.

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III. The Claim Rejections Under 35 U.S.C. § 103(a)

In addition, the Examiner has rejected claims 2-24 over Aldrich 4,115,955 as being obvious to one skilled in the art under 35 U.S.C. § 103(a). As recognized by the Examiner on page 4 of the Office Action, however, Aldrich fails to recite the same hinged window assembly as set forth in Applicants' amended claim 2. In addition, Applicants have now amended claim 2 to recite that the window assembly is adapted to be mounted in a generally vertical window opening in a vehicle body and that the window assembly is mounted such that when fitted in such generally vertical window opening of the vehicle body, said glass sheet is generally vertically mounted and is at least one of a side window, rear window and lift gate window of the vehicle.

As amended, claim 2, is fully supported in the specification, especially at pages 7, lines 16-19 and page 8, lines 4-7, which state that the window assembly articulates about a pair of mounting members positioned proximate to the peripheral edge 18 of an inside surface of the window assembly as shown in Figs. 1-3. The panel assembly is opened or closed about the mounting members by another mounting member interconnected with the vehicle to another portion of the panel assembly and spaced from the mounting members. The panel assembly is pivoted about an axis proximate the leading edge although the invention could also be used with other windows such as other articulated window panels including rear windows or tailgate windows. Moreover, Figs. 1-3, 9 and 10, as well as the above noted portions of the specification at pages 7 and 8, clearly show Applicants' window assembly mounted in a generally vertical opening. Thus, the hinged window assembly of claims 2-24, as amended herein bears the full weight of the glass sheet due to the orientation of its mounting, unlike the sunroof assembly in Aldrich '955.

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When contrasted with Aldrich 4,115,955, it is clear that the Aldrich panel and hinge assembly is directed to a significantly different structure which does not make obvious the hinged window assemblies set forth in amended claim 2. More specifically, the panel and hinge assembly of Aldrich '955 is intended for use as a vehicle sunroof to be installed in the rigid roof of a vehicle, such as an automobile, to permit entry of air and light from the top of the vehicle. As shown in Aldrich '955, especially at Figs. 1-4, the sunroof assembly therein is a generally horizontal assembly with a substantial portion of the weight supported by generally horizontally extending hinges together with panel jamb 26 and window seal 35 on the vehicle. The hinges are attached via mounting plates secured to blocks which, in turn, are secured to the inside of the sunroof assembly with a bonding material or adhesive. However, as is fully recognized by the Examiner, Aldrich '955 fails to recite many additional aspects clearly set forth in amended claim 2 including the bonding area being at least 2 square inches and an aspect ratio of at least one, the glass sheet having a surface area of at least 250 square inches, and the bond strength of the hinge to the opaque coating being sufficiently strong to withstand a straight pull test of about 150 lbs. at a rate of about 25 mm per minute, the straight pull test being performed after soaking the window assembly in water of about 80°C for at least 100 hours.

As explained in the background and summary of the invention in this application, especially at page 3, lines 1-10, the present invention provides a solution to a unique problem long encountered in the vehicle industry. Specifically, the present invention adhesively bonds a hinge to glass for meeting load requirements and long-term environmental resilience for hinged side, rear and lift gate window assemblies without drilling through the glass or exposing any hinge on the exterior surface. Hinge mounting of large size panels (of the type now set forth in amended claim 2) is very demanding because the higher weight of

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such generally vertically mounted windows transmits more severe vibration requiring greater strength and greater long-term environmental resistance and durability than is available with prior known structural bonds. In addition, styling and design limitations restrict the number of hinges and the size of the bond areas for such generally vertically mounted windows.

Accordingly, given the parameters of the hinged window assembly now set forth in amended claim 2, Aldrich '955, with its distinctly different, horizontally mounted sunroof assembly, does not teach, disclose or suggest a generally vertically mounted hinged window assembly of the size set forth in amended claim 2, or which has a bond strength as set forth in amended claim 2, or wherein there is no exposure of the hinge on the outer surface of the glass sheet as is set forth in amended claim 2. It is pointed out that Aldrich '955 simply discloses a window pane held in a window frame 36 by a lower hook-like extension 38 and a window molding 39 engaging the upper edge of the pane. Nothing is disclosed in Aldrich which renders obvious the structure set forth in amended claim 2 such as a side, rear or lift gate window comprising a glass sheet having a surface area of at least 250 square inches, which is generally vertically mounted, and which has a bond strength as is now defined. Accordingly, Aldrich '955 simply does not disclose or suggest the hinged window assembly set forth in amended claim 2.

Moreover, with respect to claims 3-24, there is no teaching, disclosure or suggestion in Aldrich '955 for the specific elements set forth in the dependent claims. The Examiner's conclusion that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the hinged panel assembly of Aldrich with the specific features now set forth in Applicants' claims 2-24 is respectfully traversed since there is no support or suggestion in Aldrich for such a conclusion. As explained above, and as set forth in Applicants' specification, Applicants' hinged window assembly provides a unique solution

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to a problem not contemplated by Aldrich '955 nor suggested by the differing sunroof assembly shown in Aldrich. The Examiner's initial conclusion that it appears Aldrich would perform equally well with the design parameters is likewise respectfully traversed in view of the problem solved by Applicants' invention and the elements now set forth in Applicants' amended claim 2 which are not disclosed or suggested by Aldrich.

Likewise, it is respectfully submitted that the remaining references cited of record do not disclose, teach or suggest, and therefore do not make obvious, Applicants' invention as set forth in amended claim 2-24.

Accordingly, in view of the above amendments, the enclosed Terminal Disclaimer and disclaimer fee, and the above comments, it is respectfully submitted that this application is now in condition for allowance and a Notice of Allowance for claims 2-24, as amended, is respectfully requested.

Respectfully submitted,

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Enclosure